

SEP. 18. 2007 6:25PM

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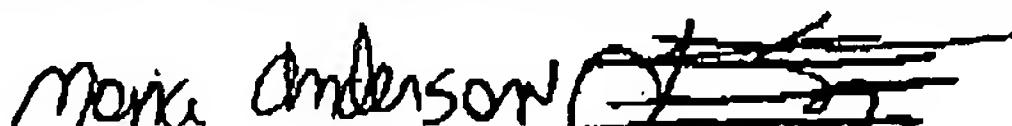
NO. 0992 P. 1

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/588,840
		Filing Date	August 8, 2006
		First Named Inventor	T. Gordon McMahon
		Group Art Unit	Unknown
		Examiner Name	Unknown
Total Number of Pages in This Submission	32	Attorney Docket Number	044108.001000

ENCLOSURES (check all that apply)						
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input checked="" type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition Under 37 C.F.R. 1.47(a) with attachment (Exhibit 1) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD. Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the U.S. Designated/Elected Office with copy of Notification of Missing Requirements and associated papers attached				
			<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.			
			Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Lawrence Sung (Registration No. 38,330) Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	September 18, 2007

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop _____, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input checked="" type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300	
September 18, 2007	
Date	Moira Anderson
Signature	
Moira Anderson	
Typed or printed name	

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SEP 18 2007 NO. 0992 P. 2

**FEE TRANSMITTAL
FOR FY 2005**

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$2,090.00)

<i>Complete if Known</i>	
Application Number	10/588,840
Filing Date	August 8, 2006
First Named Inventor	T. Gordon McMahon
Examiner Name	Unknown
Art Unit	Unknown
Attorney Docket No.	044108.001000

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number

19-2380

Deposit Account Name

Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 300	2001 150	Utility filing fee	
1002 200	2002 100	Design filing fee	
1003 200	2003 100	Plant filing fee	
1004 300	2004 150	Reissue filing fee	
1005 200	2005 100	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	-88** -	0	X 0 = 0
Independent Claims	0 -10** -	0	X \$ = \$
Multiple Dependent		X	= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim, if not paid
1204 200	2204 100	** Reissue independent claims over original patent
1205 50	2205 25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For llc's, see above
LLANDGRA 00000001 192380 10588840

09/24/2007

01 FC:1633
02 FC:1641
03 FC:1617

200.00 DA
100.00 DA
130.00 DA

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	
1252 450	2252 225	Extension for reply within second month	
1253 1,020	2253 510	Extension for reply within third month	
1254 1,590	2254 795	Extension for reply within fourth month	1,590.00
1255 2,160	2255 1,080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	
1403 1,000	2403 500	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 500	2452 250	Petition to revive - unavoidable	
1453 1,500	2453 750	Petition to revive - unintentional	
1501 1,400	2501 700	Utility issue fee (or reissue)	
1502 800	2502 400	Design issue fee	
1503 1,100	2503 550	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	200.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	300.00
Other fee (specify): <u>Search Fee and Examination Fee</u>			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

2,090.00

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(n))

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

September 18, 2007

Date

Marie Anderson
Signature
Marie Anderson
Typed or printed name

SUBMITTED BY

Name (Print/Type)	Lawrence Sung	Registration No. (Attorney/Agent)	38,330	Telephone	(202) 585-8221
Signature	<i>Lawrence Sung</i>			Date	September 18, 2007

SEND TO: Commissioner for Patents
P.O. Box 1450

PAGE 2/14 * RCVD AT 9/18/2007 6:00:02 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/5 * DNI:2738300 * CSID:866 741 0075 * DURATION (mm:ss):03:48

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—NO. 0992—P. 8

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/588,840	Gordon T. McMahon	003.2002
RECEIVED APR 07, 2007 NIXON PEABODY LLP		INTERNATIONAL APPLICATION NO. PCT/US05/04518
I.A. FILING DATE 02/10/2005		PRIORITY DATE 02/10/2004
CONFIRMATION NO. 1056 371 FORMALITIES LETTER		

Date Mailed: 04/05/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/08/2006
- Copy of the International Search Report filed on 08/08/2006
- Preliminary Amendments filed on 08/08/2006
- Request for Immediate Examination filed on 08/08/2006
- U.S. Basic National Fees filed on 08/08/2006
- Priority Documents filed on 08/08/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$430 for a Large Entity:

• \$130 Surcharge.

DOCKETED BY kdw SOW 4/11/07

Nixon Peabody LLP

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- The application search fee has not been paid. Applicant must submit \$100 to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- The application examination fee has not been paid. Applicant must submit \$200 to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/588,840	PCT/US05/04518	003.2002

FORM PCT/DO/EO/905 (371 Formalities Notice)

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NO. 0992 P. 4

SEP 18 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: T. Gordon McMahon.

Confirmation No.: 1056

Serial No.: 10/588,840

Art Unit: To Be Assigned

International Application No. PCT/US05/04518

Filed: August 8, 2006

Examiner: To Be Assigned

For: *Plant Nutrient Reduction System*

Attorney Docket No: 044108.001000

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

U.S. Patent and Trademark Office
Randolph Building – Customer Service Window
401 Dulany Street
Alexandria, Virginia 22314
MAIL STOP – MISSING PARTS

Sir:

In response to the Notification of Missing Requirements mailed by the U.S. Patent and Trademark Office on April 5, 2007 transmitted herewith for filing in the subject application are the following documents:

1. Declaration for Non-Provisional Patent Application;
2. Return Copy of the Notification Missing Requirements;
3. Petition under 37 C.F.R. §1.47(a) and .
4. Exhibit 1: Declaration of Adam C. Brink in Support of Petition.

Additionally, it is respectfully requested that the time for responding to the Notice to File Missing Parts be extended for a period of four months from April 5, 2007 to October 5, 2007 for which the total fee for a large entity is estimated to be \$\$1,590.00.

The Commissioner is authorized to charge any additional fees associated with this Response or credit any overpayment to Nixon Peabody LLP Deposit Account No. 19-2380.

Application No. 10/588,840
Atty. Docket No. 044108.001000

The documents and fees submitted herewith complete the filing of the above patent application and justify the filing date of August 8, 2006.

Respectfully submitted,



Date: September 18, 2007

By: _____

Lawrence Sung
Registration No. 38,330

NIXON PEABODY LLP
Suite 900, 401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000